

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
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**EXECUTIVE SESSION**

The Council met from 6:00 p.m. to 7:35 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Monday, March 5, 2012, was called to order at 7:36 p.m. by Council President, George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Jon Faust, John Maher, Kerry Gassler, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysher, Mayor James M. Shoemaker and Borough Administrator Louise Firestone.

Council President, George Hinton informed those present that Council met in Executive Session this evening from 6:00 p.m. to 7:30 p.m. to sit down with all Borough workers: street workers, police officers and office workers to discuss issues to move forward for a better community, there is nothing specific to report and no action will be taken at this time.

**PUBLIC COMMENT**

No one appeared before Council at this time.

**APPROVAL OF EXPENSES**

**On motion** by Kerry Gassler to approve the expenses for the month of February 2012 in the amount of \$27,632.59 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

**APPROVAL OF MINUTES**

**On motion** by Tony Curcio to approve the minutes of the February 21, 2012 Council meeting and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

**SOLICITOR'S REPORT**

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of February are outlined in a report. The report includes the meetings attended as Borough Solicitor.

**Subdivision Matters:** Receipt, Review and Administration of Billing Invoices re: Gap View Estates f/k/a Posh Properties Major Subdivision.

**Land Development Matters:** N/A.

**Zoning and Other Land Use Matters:** Receipt, Review and Administration of Borough Engineer's proposed amendment to Borough Zoning Ordinance re: clear sight triangles.

**Developments on Outstanding Litigation:** Appeal by T. Dailey to Unemployment Compensation Board of Review re: denial of his Unemployment Claim. Receipt, Review and Administration of

Petition for Unit Clarification filed by Police Union with PA Labor Relations Board re: Police Chief status.

**Court Decisions on Borough Cases: N/A.**

**Miscellaneous:** Preparation of Conditional and Qualified Endorsement form re: Morgan Concrete Invoice. Preparation of first draft of Ordinance Amendment to Park Board Ordinance i.e. band shell rental, dog park and attendance at meetings. Preparation of Annual Letter to Borough Accountant re: 2011 Calendar Year Audit. Preparation of Monthly Solicitor's Report.

**Outstanding Items:** Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) . no action taken and remains pending. Ordinance for loitering, begging and panhandling . pending but inactive. Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) . pending but inactive.

Ron reported that the Street Opening Ordinance is under Old Business so it can be discussed at that time. He is waiting to hear from Kerry Gassler regarding his signature on the bus shelter easement agreement. He did begin to prepare the changes to the park ordinance, specifically: \$125 rental fee for the bandshell, a description of where the dog park will be located (specific area and size), and meeting attendance by park board members and the allowable number of meeting absences. Ron stated that last month he received from Brian Pysher the addition to the zoning ordinance for the clear site triangle. He has the diagram along with the calculations for the site triangle. Unfortunately, Ron did not complete this because of other items requiring his attention. He will complete the paperwork and forward a copy to Lehigh Valley Planning Commission for review. The amendment includes the home occupation and clear site triangle. Once review is received from LVPC, the Borough Planning Commission will need to meet to review and provide their recommendation to Council. He opened a file related to the stop signs when Council is ready to update the location of all Borough stop signs.

He recently received the transcript regarding Mr. Dailey's unemployment hearing, which must be reviewed because of the appeal that was filed.

George asked if the check was picked up by the concrete contractor for East First Street. Louise replied that the check has not been picked up yet. Ron had prepared a disclaimer clause that must be signed by the contractor prior to the Borough releasing the funds for the work that was done. Brian added that he contacted Morgan Concrete to inform him that PennDOT will not do the final inspection on the curb ramps until the HOP is closed out. In order for the HOP to be closed out, the street has to be paved, which is scheduled to be done this year. Mr. Morgan seemed to understand and was open to signing the disclaimer that states when PennDOT does inspect the ramps, if they do not pass inspection he would be responsible for repairing/replacing them in order for the ramps to pass.

## **ENGINEER'S REPORT**

Brian Pysher asked Council if they wish to move ahead with completing the final top coat on East First Street. He will prepare the bid specifications for advertising to be opened at the mid-month of April or the meeting in May. John Maher stated that the manhole covers were sticking up and the Borough should check out their condition prior to putting the street out for bid. Kerry asked if the Karner and Cortezzo properties are already restored to the proper condition and they are satisfied. Brian replied that on Karner's side, a portion of the walkway needs to be paved. Cortezzo's property previously had a concrete driveway, so he will have to be contacted regarding this restoration. Brian will contact Mr. Cortezzo as soon as possible regarding the driveway. The concrete work could be separate from the street paving bid specification. Jon suggested that maybe the Borough should be do First Street in conjunction with A Street to get better pricing. George replied that the Borough does not currently have all the necessary permits for the paving on A Street so unless the Borough receives the permits back from PennDOT in a timely fashion the two projects would have to be separate.

Brian anticipates having the bid specifications for A Street available to open at the mid-month meeting in April. Brian informed Council that a total reclamation on A Street would not be possible because there are not enough materials left in the street. When the committee met to discuss the project, it was determined that the street should come up and be reconstructed similar to the project on Lehigh. John asked to have an extra copy of the bid specifications to provide the Wind Gap Municipal Authority. Brian will send a letter to the Authority and Pennsylvania American Water detailing what the Borough is trying to do on A Street this year and what is planned for Utica. The street project for Utica Avenue will likely have to be put off until next year because there is a lack of available funds to complete both projects this year. Council is concerned about the cost of the repairs to A Street so Brian will include an alternate for just an overlay. The base bid specifications will be to excavate down 18" on A Street, put in a 12" binder of slate, cap with a modified stone course and then top with 6" of paving, or as an alternate just 1 ½" of overlay. His original estimate to dig up the street would be approximately \$150,000, which would exhaust Liquid Fuels and tipping funds in the street budget.

Brian will be finalizing the bid sheet for the walking trail as requested by the Borough Park Board. The trail will start by the culvert on Lehigh Avenue and then follow the edge of the woods either coming out on West Street or Lehigh Avenue. The topsoil will be removed down 8", with a sub-base about 8"-10" down and then top with a modified stone course with a top course. He anticipates that this project will be less than \$18,500. He will make a bid sheet so the Park Board can make the phone calls to obtain three bids.

Brian reported that he has had correspondence with the Wind Gap Athletic Association President, Tony Borger regarding the construction of a refreshment stand by the basketball courts. The original proposal included a refreshment stand that was 8' X 10' with a three foot high retaining wall on the south end of the concrete slab. The WGAA is now proposing a building that is 15' X 17' and up against the retaining wall which would only allow a three foot sidewalk on the left side of the concession stand where people would come up to the window to make their purchases. Brian sent a response e-mail requesting that a five foot sidewalk be maintained there to allow for ADA accessibility and to consider reducing the building to a minimum of 12' X 17' which would be sufficient. He expressed his concern with a building being close to the retaining wall because kids would be able to climb onto the top of the building. Brian would propose a 12' X 14' building with 5' in the front of the building and 4' around the sides. Brian will be at the park to inspect as necessary when the building is being constructed.

**On motion** by John Maher to allow the Wind Gap Area Athletic Association to build a 12' X 14' concession stand based upon the Borough Engineer's recommendation and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

Brian reported that he has completed the submission for the repair to the firehouse floor, but he needs a check for \$340 to submit the plans.

**On motion** by Kerry Gassler to submit a check for \$340 to Pennsylvania Department of Labor and Industry for the firehouse floor plans and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

Brian reported that Mr. Snyder lives on East First Street just beyond the Gibraltar development and separated from the Bonisese property by Jerry Lane. The Mayor's son is purchasing the Bonisese property and the alley that runs between the two properties from First Street to Second Street is Jerry Lane. Mr. Snyder indicated that he owns the alley and he has a deed that indicates that he owns the alley from First to Second Street. It is an issue because the Borough has an ordinance from 1969 that basically states that the Borough owns it and ordained it from A Alley to East First Street. Brian contacted Ron Karasek to discuss this issue and what options the Borough would have regarding the alley. The property in question needs to be researched and traced back to actual ownership for clarification. Kerry asked Brian if he knows how many years the Snyders have lived there and Brian replied their deed states 1990, but the sewer goes through the alley. Ron Karasek added that he did speak to Brian about this and the 1990 deed appears to be from a

subdivision from 1958, but there is not deed hanging around until the 1990 deed so something does not sound right to him. He recommends that the Borough can hire a title company to do the research of the Snyder deed so who in fact owns the property and how to move forward. Council directed Brian Pysher to do the research and meet with Ron once he has all the information.

## **NEW BUSINESS**

1. Emergency Management . Contact Person/Approved Funding. George explained that Council has been asked to appoint a councilmember for the Emergency Manager to contact for expenditures in the case of an emergency and a dollar amount that is pre-approved to be spent. Jeff Yob, Emergency Manager, suggested that a street committee member be the designated point of contact. Joe suggested that this dollar amount be placed in the budget and carried over every year if it is not spent.

**On motion** by Kerry Gassler to appoint Dave Hess as the point of contact, with Jon Faust being the alternate and setting a dollar amount of \$2,500 and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

2. Banners. Mayor Shoemaker reported that the banners in the Borough are starting to discolor and fray. He is suggesting replacing the banners with new ones, possibly two different designs. He would like them to be a Memorial or In Honor of printed on the banners. He did a quote of \$160 each with a quantity purchase of five or less, but that does not include the hardware. He already has eight names without even advertising for the banners. Council decided to place the advertisement in the newsletter and discuss at the mid-month meeting in April.

3. Street Roller. Jon Faust suggested purchasing a roller for the street department. The street workers have requested a smaller roller for blacktopping small sections of streets and packing down millings in the alleys. He did some research on-line and found a used dual drum, two ton, vibratory roller with reasonable hours listed for \$5,500, which could possibly be obtained for \$5,000. Jon will look at capital purchases in the street budget or the landfill tipping fees as a way to make this purchase. George suggested that Council think about it and table it until the mid-month meeting.

## **OLD BUSINESS**

1. Street Opening Ordinance. John Maher reported that provided copies of the street opening application and fees. He asked Council to approve the fees so that this ordinance is in effect. Ron added that he did review the application, but there are several portions of Section 8 in the ordinance and not reflected in the application form. He suggested that as specified in the ordinance that no work will be done between November 1 and April 1 except for emergencies should be on the application form. The method of manner of digging and repairs should meet with the Borough Engineer's approval. John to revise the application to include suggestions made by the Borough Attorney with regard to specific wording from the actual ordinance to eliminate any possible confusion by an applicant. John to provide a soft copy to Mr. Karasek's office so changes can be made for the mid-month meeting.

2. Bus Shelters. Kerry Gassler to read the easement agreement for his property by the mid-month Council meeting.

3. Park . Master Plan. There is a grant opportunity through Pennsylvania Department of Conservation and Natural Resources (PA DCNR), but the deadline is April 4, 2012. Louise to gather the necessary information and submit an application in an effort to secure funding to complete the

Park Master Plan. Kerry stated that he saw there are two other firms and will drop off the information at the office.

4. Grant Opportunities. Louise explained that wrote a letter to the Wind Gap Ambulance Corps regarding the Gaming Grant Opportunity. She contacted Alicia Karner at the County regarding submitting an application for this grant, but it was her opinion that the Borough would not qualify for money under the first round of funding. There has to be a direct specific negative impact caused by the casino and the Borough must be a surrounding municipality to the City of Bethlehem. The second round of funding this summer would be in the neighborhood of \$100,000 and is given out in smaller amounts such as \$5,000 or \$10,000 and if the funds are used to purchase buildings or vehicles the Borough must hold the title or the deed.

5. New Playground Equipment. George asked if it was determined that the street workers would be putting assembling the new equipment and installing it in the park. Joe Weaver will meet with the Wind Gap Area Athletic Association to determine where the best spot is to place this equipment. It was decided that Brian Pysner should be involved to install the equipment properly because of the unstable ground in the lower end of the park.

6. Dave Hess reported that he contacted Representative Marcia Hahn's office contacted PennDOT and was informed that PennDOT does not authorize the re-facing signs. They do not have jurisdiction over local streets or Borough roads, but any signs involving a state road must be up to their standards. Stop signs were on sale so the street department ordered new signs.

**On motion** by Tony Curcio to adjourn the meeting of March 5, 2012. Council agreed unanimously.

The meeting of March 5, 2012 adjourned at 9:00 p.m.

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Louise Firestone, Borough Administrator